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3   *E-Filed 3/6/13*

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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN FRANCISCO DIVISION

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12   VINCENT PRICE MCCOWAN,   No. C 12-5631 RS (PR)

13   Plaintiff,   **ORDER DISMISSING COMPLAINT**
                                               WITH LEAVE TO AMEND
14   v.

15   A. AVALOS, et al.,

16   Defendants.
                                    /
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18   This is a federal civil rights action. Plaintiff must use this Court's civil rights

19   complaint form, a copy of which will be mailed to him. **Accordingly, the complaint is**

20   **hereby DISMISSED with leave to file an amended complaint on or before April 16,**

21   **2013. Failure to file an amended complaint by April 16, 2013 will result in the**

22   **dismissal, pursuant to Federal Rule of Civil Procedure 41(b), of the action with**

23   **prejudice for failure to prosecute.** This first amended complaint must include the caption

24   and civil case number used in this order (12-5631 RS (PR)) and the words FIRST

25   AMENDED COMPLAINT on the first page. Because an amended complaint completely

26   replaces the previous complaints, plaintiff must include in his first amended complaint *all* the

27   claims he wishes to present and *all* of the defendants he wishes to sue. *See Ferdik v.*

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                                                        No. C 12-5631 RS (PR)
                                                        ORDER DISMISSING COMPLAINT

Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992). Plaintiff may *not* incorporate material from

the prior complaint by reference. Any claims not raised in the amended complaint will be

deemed waived. Failure to file an amended complaint in accordance with this order will

result in dismissal of this action without further notice to plaintiff.

It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court

informed of any change of address by filing a separate paper with the clerk headed "Notice of

Change of Address." He must comply with the Court's orders in a timely fashion or ask for

an extension of time to do so. Failure to comply may result in the dismissal of this action

pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED: March 6, 2013

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RICHARD SEEBORG
United States District Judge

United States District Court
For the Northern District of California